

**MINUTES OF THE REGULAR MEETING OF THE  
WASHINGTON STATE TRANSPORTATION COMMISSION  
February 19 & 20, 2003**

The regular meeting of the Washington State Transportation Commission was called to order at 9:00 a.m., on February 19, 2003, in Room 1D2 of the Transportation Building in Olympia, Washington.

Commissioners present were: Aubrey Davis, Ed Barnes, Elmira Forner, George Kargianis, A. Michèle Maher, Chris Marr and Connie Niva.

**APPROVAL OF THE MINUTES**

*It was moved by Commissioner Barnes, and seconded by Commissioner Maher, to approve the minutes of the January 16 & 17, 2003 Commission meeting. The motion was approved unanimously.*

**COMMISSION ADMINISTRATOR REPORT**

Chris Rose, Administrator, distributed a copy of the revised Commission travel Policy, Expense Reimbursement, Equipment Usage, and Compensation for Commission approval. He also distributed a copy of the completed Commission risk assessment document. Mr. Rose then requested the Commission move to delegate signature authority to Shelly McGuire during the vacancy of the Administrator position.

*It was moved by Commissioner Barnes, and seconded by Commissioner Forner, to approve the revised Commission Travel, Expense Reimbursement, Equipment Usage, and Compensation Policy. The motion was approved unanimously.*

*It was moved by Commissioner Barnes, and seconded by Commissioner Maher, that during the vacancy of the Commission Administrator position that Shelly McGuire be authorized to be the custodian of all records and documents of the Commission, authorized to certify all records and documents. He further moved that Ms. McGuire also be delegated signature authority for approval of vendor payments, travel vouchers, time sheets, leave request and other fiscal records; purchase of goods and services; and Commission staff personnel actions. Ms. McGuire is also designated to be the Commission's Internal Control Officer during the vacancy of the Administrator position. The motion was approved unanimously.*

**OFFICE OF THE SECRETARY REPORT**

Secretary MacDonald congratulated Chris Rose on behalf of Department and staff regarding his new position in the Governor's Office. He wished Mr. Rose well and

commented that he has appreciated Mr. Rose's courtesies and assistance. He noted Mr. Rose's enormous contribution to the Department and the state of Washington.

Commissioners expressed their gratitude to Mr. Rose for providing exemplary service to the Commission since 1992.

Dan Sunde, Technology Transfer Engineer, presented the annual Crystal Mouse awards to the teams that earned them and their supervisors who supported the creative process. The teams were responsible for the invention and fabrication of winning tools and equipment that exemplify safety, savings of time and labor and money. The awards presented for the best hand tool, best equipment or equipment modification and the best invention were presented to: Jack Moltz and Daryl Sprague, WSDOT Chehalis Maintenance shop; Keith Jameson, City of Oak Harbor; Ken Willms, Dave Mires, Robert Mires, Dell Mires and Lyle Eggers, of Douglas County. Commissioners thanked the award winners for their innovation and dedication to improve the services and safety that the Department and other transportation agencies provide to the public.

Chris Christopher, State Maintenance Engineer, provided a recap of winter storms and slide repairs. Secretary MacDonald commented that Mr. Christopher has been tracking snow removal cost over a period of time. This analysis projects how cost and severity of winter directly impacts how the Department meets maintenance goals. Mr. Christopher referred to photos of a rockslide on Chuckanut Drive near Bellingham. He stated that there have historically been slides in the area. The Department has been performing re-enforcement of the hillside, and is monitoring the location for any future slides. Secretary MacDonald noted additional observations on slide experiences, using the photographs as a visual aid.

Judy Lorenzo, Manager, Heritage Corridor Program, honored Representative Val Ogden for her contributions to heritage and historical preservation efforts in the state of Washington. Ms. Lorenzo explained that Representative Ogden's father, Ike Munson, played a significant roll in surveying the North Cascades Highway, known as State Route 20. Secretary MacDonald presented Representative Ogden with a framed collage of photographs. Mary Thompson, Board Member, Washington Trust for Historic Preservation, and David Micindri, Executive Director, Washington State Historical Society, explained that Representative Ogden has played an important role in the state's heritage preservation efforts. Ms. Thompson praised Representative Ogden for her contribution to heritage and historic preservation efforts.

Don Wagner, Southwest Regional Administrator, provided a progress report regarding the SW Washington HOV pilot project. The High Occupancy Vehicle (HOV) lane is currently operating beyond the pilot project period pending a decision on the future of the lane. The lane is not currently meeting the goal of carrying more people than adjacent general-purpose lanes, but the number of people using the lane in the two-hour peak has increased by about 320 since the lane was opened. Public opinion is split between whether to keep the HOV lane or not. There is mixed, but generally favorable local political support for

continuing the HOV lane pilot project. The Department is recommending that the pilot project be extended for 24 months as a result of the Department and the Southwest Regional Transportation Council concluding that the HOV lane evaluation must be continued in order to allow for a more thorough performance evaluation. The HOV lane would continue after the Fall of 2004 for a reasonable period of time to evaluate HOV lane performance after the new programmed Park and Ride facilities are available and C-Tran transit service changes are known. The Federal Highway Administration has reviewed the recommendation and concurs with the continuation of the pilot project. Secretary MacDonald recommended that the Commission not take action on the HOV pilot project at this time. Commissioner Kargianis requested that an update be presented to the Commission at the September 2003 meeting, when there is more data available on the project.

Secretary MacDonald noted that several presentations have been provided to the Legislature regarding projects that could be included in an enhanced capital-spending program. He referenced a presentation that was made to one of the caucuses regarding project development, and requested that copies of the presentation, as well as other presentations, be provided to Commissioners. He commented briefly regarding TEA 21 reauthorization proposals that the Department presented to the congressional delegation.

### **2003 LEGISLATIVE SESSION UPDATE**

Don Griffith, Legislative Liaison, provided an informational briefing to the Commission regarding key transportation legislative activity. He stated that both caucuses are focusing on accountability, governance and efficiency issues before serious consideration will be given to transportation funding.

Bill Ford, Budget Chief, provided a handout regarding a summary of budget legislation. The handout included the Governor's 2003-05 capital budget, omnibus operating budget, omnibus supplemental operating budget, supplemental capital budget, transportation supplemental budget and the transportation budget.

### **HIGHWAY CONSTRUCTION PROGRAM DELIVERY REPORT**

This agenda item was deferred and covered under the Gray Notebook presentation agenda item.

### **WSDOT TRIBAL CONSULTATION POLICY**

Colleen Jollie, Tribal Liaison, introduced guests David Whitener, of the Squaxin Island Tribe and John Bastian, of the Quinault Tribe. Ms. Jollie introduced the Commission to a Native American cultural tradition in which the witnesses of today's business were given bandanas with coins enclosed. This is the Native American way of aiding the memory of the witness of the business that took place. The Tribal Consultation Policy implements the Centennial Accord, signed by Governor Booth Gardner in 1989. The policy recognizes tribes

in Washington State and is used to commemorate the State Centennial. Its purpose is to improve relations between the sovereign tribal governments and the state of Washington. The Consultation Policy is a key element of the Centennial Accord implementation plan. The WSDOT Centennial Accord Plan will provide a framework for the Department to implement the consultation policy, and will identify services and programs that are available to tribes across the agency and at the regional offices. The Department has been working toward completing its Centennial Accord Plan. The plan was created in accordance with the 1989 Centennial Accord and the 1999 Centennial Accord Implementation Guidelines. The Department's plan hopes to demonstrate its commitment to effective government-to-government relationships with the 29 federally recognized tribes in Washington State.

***It was moved by Commissioner Barnes, and seconded by Commissioner Kargianis to endorse the draft WSDOT Tribal Consultation Executive Order Number E 1025.00. The motion was approved unanimously.***

#### **OFFICE OF FINANCIAL MANAGEMENT LUNCH**

In attendance for the luncheon were Commissioners and staff from the Office of Financial Management. The participants discussed the Commission's proposed WSDOT budget for 2003-2005.

#### **PUBLIC AND LEGISLATOR COMMENT PERIOD**

Ken Zaglin, resident of Vashon Island, expressed his concerns regarding the proposed passenger-only ferry service cuts. He commented that the ferry service cuts would have a major impact to the local economy and residents of Vashon Island. Mr. Zaglin stated there needs to be a reasonable amount of time to work on alternatives before the service cuts are implemented.

John Worthington, resident of Seattle, expressed his concerns regarding the public decision process in King County. Mr. Worthington stated that he has been unable to get King County officials to understand his concerns. He provided a map of proposed mass transit choices to the Commission.

Van Crozier, resident of Vashon Island, expressed his concerns regarding the proposed passenger-only ferry service cuts. Mr. Crozier stated that the economy on Vashon Island would be impacted by ferry cuts. He stated that most families on the island have at least one family member that works off of the island and the ferry service cuts could impact their livelihood. He stated that he would be prepared to pay higher fares in order to keep the passenger-only ferry service.

Cliff Marks, resident of Vashon Island, commented regarding state policies. He stated that people without cars should be the priority. Mr. Marks requested that the

Commission should make a recommendation to the Legislature to look at the capital costs of the ferry system.

Kaye Pearson, resident Vashon Island, commented about the Vashon community. She stated that the community works very well together. A decision to take away the passenger-only ferry would severely impact the island.

Mike Suddeth, Vashon Ferry Advisory Committee, introduced Scott Rhodes and Fred Chang representing Southworth Washington Ferry Advisory and Tariff Policy Committees. Mr. Suddeth stated that cancellation of the passenger-only ferries to Vashon Island would cause a decrease to property values, longer and less reliable commutes and longer hours at work. He stated that the loss of the Southworth-Vashon passenger-only ferry would increase pressure on existing auto ferry routes and add to the congestion of vehicular routes. He then shared possible alternatives with the Commission.

Dave Freiboth, President, Inlandboatman's Union, commented that passenger-only ferry cuts is a funding issue that has turned into an operations issue. He stated that it is the funding issue that needs to be dealt with. Marine service is different than bus service. There must be a combination of different funding elements developed that will make passenger-only service available.

Fred Chang, Chair, Bremerton Ferry Advisory Committee, commented that the Bremerton cuts would create large gaps between ferry sailings. He stated that the Ferry Tariff Policy Committee's Capital Funding Plan did not have enough public input.

Mike Sudduth, Chair, Vashon Ferry Advisory Committee and Co-Chair, Vashon Transportation Committee, urged that the Commission revisit the ferry systems strategic plan as proposed December 18, 2002. Mr. Sudduth commented that the details of the passenger-only ferry proposal does not match management core principles.

Commissioner Davis announced that the Commission would hold an Executive Session at 1:00 p.m. on Wednesday, February 19, 2003, in the Transportation Building, Secretary's Conference Room 1D7, to discuss with legal counsel representing the agency, litigation, or potential litigation, to which the Commission or Department is, or is likely to become a party, per RCW 42.30.110 (1) (i).

#### **PROPOSAL TO NAME SR 904 AFTER LT. COL. MICHAEL P. ANDERSON**

David Clinton, President, West Plains Chamber of Commerce, representing the Spokane area community, requested that the Commission rename highway SR 904 beginning at milepost 00 (Interstate 90 milepost 257 - Tyler Interchange) and ending at milepost 17 (Interstate 90 milepost 271 - Four Lakes Interchange) after Lt. Col. Michael P. Anderson, Space Shuttle Columbia's payload commander. Lt. Col. Anderson graduated from Cheney

High School in Spokane and considered Spokane his home. There is widespread community support to rename SR 904 in honor of Lt. Col. Michael P. Anderson.

***It was moved by Commissioner Barnes, and seconded by Commissioner Maher to approve Resolution Number 646, approving the renaming of SR 904, beginning at Milepost 00 (Interstate 90 Milepost 257) and ending at Milepost 17 (Interstate 90 Milepost 271) after Lt. Col. Michael P. Anderson. The motion was passed unanimously.***

## **WSF STRATEGIC BUSINESS AND CAPITAL FUNDING PLAN**

Mike Thorne, Chief Executive Officer, Washington State Ferries, provided an overview of the Washington State Ferries (WSF) proposal to implement the business and capital funding plan strategies announced in December 2002. The strategic business plan would provide a balanced approach for bringing long-term financial viability to WSF operations, and will provide for the construction of new ferries. The successful implementation of the plan depends on passage by the Legislature of enabling legislation and funding for WSF as presented in the 2003-2005 budget previously approved by the Commission. WSF has conducted a series of meetings to allow the public the opportunity to comment on the Business and Capital Funding Plan. A report on the meetings along with public testimony taken was presented. Mr. Thorne referred to Resolution Number 645 that outlines the fiscal necessity of adopting a strategic business and capital-funding plan that provides a balanced approach for bringing long-term financial viability to ferry system operations. The successful adoption of the business and capital funding plan will require an alteration of ferry services resulting in a reduction of costs, the generation of new revenues from enhanced services provided at ferry facilities and on vessels, and a five percent cap on fare increases each year through the year 2009. The strategic capital funding plan will provide for the construction of new ferry vessels by implementing service reductions that allow for vessel retirements and less preservation expenditures thereby freeing available funds for critical capital improvements. Phase one of the plan will discontinue all passenger-only service and the 1:00 a.m. vessel departure from Edmonds to Kingston on Friday and Saturday nights. It is also necessary to adopt a new 12-week winter schedule that would discontinue some services through the months of January to March of each year. There would be two vessels placed in standby status; and retire or sell two vessels along with five vessels currently used as passenger-only vessels. The implementation of phase two will require additional steps towards consolidating services and reducing the fleet including the retirement of four auto ferry vessels; acquiring at least two new vessels; relocating the Keystone ferry terminal; moving the maintenance facility currently located at Eagle Harbor; and terminating service to Sidney B.C. in 2009. Resolution Number 645 also authorizes and directs the Washington State Ferries to adopt any additional alterations in existing ferry service between communities currently served by passenger-only service in order to partially mitigate the impact of the termination of that service without incurring new costs.

Commissioners expressed comments and concerns to Mr. Thorne regarding the capital plan and passenger-only ferry service cuts. Commissioner Maher commented that although WSF is a state agency and not expected to make a profit, the public expects it to maintain the same type of service that is currently being provided. With all safety factors involved, proper maintenance involved and funding the entire fleet would suffer without proper capitalization. There must be some type of capitalization to care for the rest of the fleet; the elimination of the passenger-only ferries will allow for funding to go to the rest of the fleet. She questioned how rapidly the remainder of the fleet would deteriorate. Commissioner Forner commented that the WSF plan has been striped down to the bare minimum. She commented that the plan will certainly change and be brought before the Commission again. Commissioner Barnes commented that he has discussed running the ferries at peak hours. He commented that there has been some discussion of Sound Transit providing transit services to and from the ferry docks. Commissioner Kargianis commented that the issue does not have to be looked at as operation, its either transit or ferry or highway operations. More than 10 years ago the Commission adopted a policy that passenger-only ferry services would be funded. He suggested that multi-modal funds available for both rail and passenger only ferries be used to keep the passenger-only ferries operating. Mr. Kargianis is supportive of passenger-only ferry service because it is an extension of the transportation system, and should be constituted as a major highway. He suggested that perhaps there could be a split shift for ferry crews when the ferries are not full with a ferry dedicated to essential runs. The abandonment of passenger-only service and retirement of the passenger-only fleet for the purpose of supporting a new capital expenditure to replace obsolete vessels is a concern. The passenger-only program would then become irretrievable in the future. Commissioner Kargianis feels that a portion of the service should be continued until the Legislature can provide alternative funding or to allow time for King and Kitsap County transit systems to provide additional funding. Commissioner Kargianis questioned the possibility of using one vessel and limiting the Vashon/Seattle passenger-only ferry to two morning and two afternoon trips. Commissioner Niva commented that the Commission has been supportive of passenger-only ferries over the last decade. She stated that there is no other ferry system ran by state government, but are operated by local jurisdictions the same as Washington's transit systems. She suggested that the ultimate answer to passenger-only systems might be with the jurisdictions.

Mike Thorne, Chief Executive Officer, Washington State Ferries, responded to Commissioner's comments and concerns. He stated that the first demand is the 4 steel electric ferries. There is not enough funding to keep the boats in operating order given the age of the ferries. These ferries do not meet regulatory compliance along with other issues. Bringing ferry service directly into Seattle would not solve the problem, but would in fact create other problems. A part of the capital plan calls for review of the service that is provided in the triangle, and part of the strategy could conceivably include an auto boat that runs directly to Seattle. There would be

additional ferries required, and that is included as part of the capital funding plan with some additional revenue. He stated that he has met with Ron Sims, King County Executive, and that King County will do everything possible to provide bus services from Fauntleroy to Seattle, for individuals that need to use the auto ferry, that currently use passenger-only service. Service has been looked at in terms of schedule and timing. Transit passengers would need to make a transfer instead of a 30 minute direct trip from Vashon to downtown on the passenger-only ferry, the replacement option would be a 15 minute ferry ride to Fauntleroy with an additional 5 minutes to transfer to a bus and then a 30 minute bus ride to downtown. The schedule was blocked in order to work within the 8-hour schedule. He stated that the schedule would be looked at closely in order to avoid a costly overtime situation. There has been discussion with the union regarding hours, but negotiations would need to continue for the entire ferry system, not just passenger-only. The loss of mid-day service has been looked and there would be an overlapping schedule that traded between passenger-only and Auto only. It was determined that the ferry system could not get to where it needs to go without the elimination of passenger-only ferries.

Commissioner Davis stated that he is concerned about ferry service during the weekend schedule. He asked that the issue be considered again before changes are implemented.

Commissioner Davis suggested amending the resolution's second paragraph to read: The language of seeking efficiencies and the operation of the system. Mr. Thorne stated that the addition of this language would add to the plan by focusing on contract relations.

*It was moved by Commissioner Forner, and seconded by Commissioner Niva to approve Resolution Number 645. It was moved by Commissioner Davis, and seconded by Commissioner Forner to amend Resolution Number 645, Washington State Ferries Strategic Business and Capital Funding Plan to include the language of "seeking efficiencies and operation of the system." The resolution as amended was approved with Commissioners Davis, Marr, Forner, Maher, Barnes and Niva voting yes; Commissioner Kargianis voted no. The motion passed.*

## **GRAY NOTEBOOK PRESENTATION**

Daniela Bremmer, Director, Strategic Assessment, reviewed with the Commission the Gray Notebook for the quarter ending December 31, 2002. The purpose of the Gray Notebook is to report a variety of performance and accountability measures. The second quarter report on highway maintenance, highway engineers and ferry vessel workers safety indicates that there is a reduction in injuries. The Department received a reduction in its accident experience rating for the third year in a row. This is the lowest rating since 1999 and is a result of the reduction in the number of accidents and seriousness of accidents at WSDOT from July 1, 1998 to June 30, 2001.



Greg Selstead, Program Delivery Manager, provided a quarterly update on the Highway Construction Program. For the biennium to date, WSDOT has advertised 280 improvement and preservation projects against an original schedule of 333 projects. The planned versus actual number of projects advertised indicates that WSDOT is meeting the advertisement date on about 88 percent of the projects that are being advertised for bid. The 35 projects deferred can be attributed to a reduction in the current law budget, projects deleted, projects delayed and insufficient time for design. Expenditures through the quarter ending December 31, 2002, are on target, achieving approximately 97 percent of budgeted cash flow. John Milton, Assistant State Design Engineer, provided an update on highway safety projects. The Department continues to deliver safety improvement projects on highways across the state. Four safety projects were advertised for bids as planned in the sixth quarter. Six scheduled projects were not advertised this quarter for various reasons. The Department and other agencies track collision data on urban and rural highways to help determine if a response action should be taken. In Washington, 85 percent (5,975) of state highway centerline miles are rural. Forty percent of the total vehicle miles traveled on Washington highways are on rural highways. To aide in the prevention of run-off-the road accidents, the Department is using rumble strips as an inexpensive measure to reduce these types of accidents, along with cable median barriers that are used to reduce the risk of severe cross median accidents. Mr. Milton provided statistical data indicating that Washington State ranks 33rd nationally for pedestrian fatality rate. The Department participates with other agencies in the reduction of pedestrian fatalities.

Toby Rickman, State Traffic Engineer, provided an update on the Incident Response Program (IR). The Department has revised its measurement of the clearance time and developed a new baseline. The new measurement is from the time the incident begins to when the incident scene is clear of all responders. With the implementation of the expanded IR program, the Department is also looking closely at incidents that last from 15 to 90 minutes. Incident response is a continual task that WSDOT provides with the Washington State Patrol, local fire departments and others.

Jerry Weigel, Bridge and Structures Engineer, explained that the Bridge Assessment Program consists of four main program areas that include: inspection, repair, rehabilitation and replacement, preservation and risk reduction. Mr. Weigel briefed the Commission regarding the condition and restrictions of some of the bridges in Washington State.

Tom Baker, State Material Engineer, provided an annual update to the Commission regarding the rehabilitation of pavement in Washington State. Mr. Baker indicated that the number of miles scheduled to be paved slightly exceeds the number of miles due for rehabilitation as a result of pavement deterioration into poor condition during the lag time between assessment as poor and actual rehabilitation.

Chris Christopher, State Maintenance Engineer, and Rico Baroga, Maintenance Accountability Manager reported that biennial maintenance targets have had to be reassessed, as a result of potential targets having been set lower than what is achievable with the available

funds. Mr. Christopher provided an update regarding integrated vegetation management. The Department continues to develop components of an Integrated Vegetation Management (IVM) program. Components include an update of the herbicide toxicology risk assessment originally conducted as part of the 1993 Environmental Impact Statement on Roadside Vegetation Management, and an analysis of comparative benefit and cost between WSDOT's practice of roadside vegetation management, including some use of herbicides and the no-herbicide practice is employed by several counties. The Department is developing roadside management and information tracking systems for the I-5 corridor as well as highways in Clallam County that will be used to monitor vegetation management activities throughout the summer. The Department will be addressing the risk assessment and benefit/cost aspects of this increase to determine if adjustments in agency policy and procedure.

Kirk Fredrickson, Rail Planning and Policy Coordinator, provided an update regarding the Amtrak Cascades service. The annual ridership indicates a 5.4 percent increase over the same time period in 2001 for the last three months of 2002. This is the eighth consecutive year of ridership gains on the Amtrak Cascades.

#### **UPDATE ON CTR EMPLOYER SPECIAL SURVEY**

Brian Lagerberg, Program Manager, Public Transportation and Commute Options, briefed the Commission on the results of a survey, requested by the CTR Task Force, of employer's participation in Commute Trip Reduction (CTR) to assess potential impacts of three levels of state and local funding for the CTR Program. The Governor's budget eliminates \$5.5 million in funding for the CTR Program 2003-2005. The survey gathered information about employers' reaction to the possibility of having their technical support from local jurisdictions and the state continue at the same level, increase, or be eliminated. The early results of the survey suggest that there is a strong correlation between state investment in CTR and active participation at the employer level.

***It was moved by Commissioner Kargianis, and seconded by Commissioner Maher to approve Resolution Number 647, requesting the Commission to urge the Governor and Legislature to fund the Commute Trip Reduction program with flexible funding commensurate with the level proposed in the budget adopted by the Washington State Transportation Commission, and urge the Governor and Legislature to provide financial support to the Incident Response Program with gas tax revenues. The motion was passed unanimously.***

#### **OVERVIEW OF METROPOLITAN PLANNING ORGANIZATION & REGIONAL TRANSPORTATION PLANNING ORGANIZATION PROGRAM**

Ashely Probart, Manager, Transportation Planning Office, provided a report on the effectiveness of Regional Transportation Planning Organizations (RTPO) and Metropolitan Planning Organizations (MPO). There are 14 RTPO's statewide that perform the development of a long-term regional transportation plan along with a six-year regional

transportation improvement program. The program is funded out of the Motor Vehicle Fund. Since the establishment of RTPOs in 1990, no comprehensive review of RTPO's effectiveness has occurred. With direction from the Commission the Department's Transportation Planning Office (TPO), in cooperation with the RTPOs, developed a comprehensive review of the work of RTPOs. The RTPOs and WSDOT Regional Offices feel that there would be benefits from additional guidance, support, and direction from the Planning Office on regional transportation planning issues. With few exceptions the RTPO's fulfilled legislative intent of planning for a transportation system. Based on the review, the Department's Transportation Planning Office is acting on recommendations to improve the RTPO process and product. Lon Wyrick, Executive Director, Thurston Regional Planning Office, explained the relationship between the Commission, the Department and RTPOs in the development of a regional transportation plan.

### **COMMISSIONER REPORTS**

Commissioner Maher reported that she sponsored a summit for the Palouse/Coulee City shortline railroad. The 31 participants that attended the summit were a combination of customers and clients of the shortline railroad. Commissioner Maher will be working with economic development groups within the region on the issues. She also attended a Washington economic development meeting with a focus on tourism.

Other Commissioner reports were deferred to the March 2003 Commission meeting.

The Commission meeting adjourned at 10:00 a.m., on February 20, 2003